

Florida:

TITLE 5. JUDICIAL BRANCH (Chs. 25-44)
CHAPTER 39. PROCEEDINGS RELATING TO CHILDREN
PART II. REPORTING CHILD ABUSE

§ 39.202. Confidentiality of reports and records in cases of child abuse or neglect

(1) In order to protect the rights of the child and the child's parents or other persons responsible for the child's welfare, all records held by the department concerning reports of child abandonment, abuse, or neglect, including reports made to the central abuse hotline and all records generated as a result of such reports, shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed except as specifically authorized by this chapter. Such exemption from s. 119.07(1) applies to information in the possession of those entities granted access as set forth in this section.

(2) Except as provided in subsection (4), access to such records, excluding the name of the reporter which shall be released only as provided in subsection (5), shall be granted only to the following persons, officials, and agencies:

(a) Employees, authorized agents, or contract providers of the department, the Department of Health, or county agencies responsible for carrying out:

1. Child or adult protective investigations;
2. Ongoing child or adult protective services;
3. Healthy Start services; or
4. Licensure or approval of adoptive homes, foster homes, or child care facilities, or family day care homes or informal child care providers who receive subsidized child care funding, or other homes used to provide for the care and welfare of children.
5. Services for victims of domestic violence when provided by certified domestic violence centers working at the department's request as case consultants or with shared clients.

Also, employees or agents of the Department of Juvenile Justice responsible for the provision of services to children, pursuant to chapters 984 and 985.

(b) Criminal justice agencies of appropriate jurisdiction.

(c) The state attorney of the judicial circuit in which the child resides or in which the alleged abuse or neglect occurred.

(d) The parent or legal custodian of any child who is alleged to have been abused, abandoned, or neglected, and the child, and their attorneys, including any attorney representing a child in civil or criminal proceedings. This access shall be made available no later than 30 days after the department receives the initial report of abuse, neglect, or abandonment. However, any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.

(e) Any person alleged in the report as having caused the abuse, abandonment, or neglect of a child. This access shall be made available no later than 30 days after the department receives the initial report of abuse, abandonment, or neglect and, when the alleged perpetrator is not a parent, shall be limited to information involving the protective investigation only and shall not include any information relating to subsequent dependency proceedings. However, any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.

(f) A court upon its finding that access to such records may be necessary for the determination of an issue before the court; however, such access shall be limited to inspection in camera, unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it.

(G) THE EXECUTIVE DIRECTOR OR EQUIVALENT, AND HIS OR HER DESIGNEE, OF A CHILDREN'S ADVOCACY CENTER THAT IS ESTABLISHED AND OPERATED UNDER S. 39.3035.

(h) Any appropriate official of the department responsible for:

1. Administration or supervision of the department's program for the prevention, investigation, or treatment of child abuse, abandonment, or neglect, or abuse, neglect, or exploitation of a vulnerable adult, when carrying out his or her official function;

2. Taking appropriate administrative action concerning an employee of the department alleged to have perpetrated child abuse, abandonment, or neglect, or abuse, neglect, or exploitation of a vulnerable adult; or

3. Employing and continuing employment of personnel of the department.

(i) Any person authorized by the department who is engaged in the use of such records or information for bona fide research, statistical, or audit purposes. Such individual or entity shall enter into a privacy and security agreement with the department and shall comply with all laws and rules governing the use of such records and information for research and statistical purposes. Information identifying the subjects of such records or information shall be treated as confidential by the researcher and shall not be released in any form.

(j) The Division of Administrative Hearings for purposes of any administrative challenge.

(k) Any appropriate official of a Florida advocacy council investigating a report of known or suspected child abuse, abandonment, or neglect; the Auditor General or the Office of Program Policy Analysis and Government Accountability for the purpose of conducting audits or examinations pursuant to law; or the guardian ad litem for the child.

(l) Employees or agents of an agency of another state that has comparable jurisdiction to the jurisdiction described in paragraph (a).

(m) The Public Employees Relations Commission for the sole purpose of obtaining evidence for appeals filed pursuant to s. 447.207. Records may be released only after deletion of all information which specifically identifies persons other than the employee.

(n) Employees or agents of the Department of Revenue responsible for child support enforcement activities.

(o) Any person in the event of the death of a child determined to be a result of abuse, abandonment, or neglect. Information identifying the person reporting abuse, abandonment, or neglect shall not be released. Any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.

(p) The principal of a public school, private school, or charter school where the child is a student. Information contained in the records which the principal determines are necessary for a school employee to effectively provide a student with educational services may be released to that employee.

(Q) STAFF OF A CHILDREN'S ADVOCACY CENTER THAT IS ESTABLISHED AND OPERATED UNDER S. 39.3035.

(3) The department may release to professional persons such information as is necessary for the diagnosis and treatment of the child or the person perpetrating the abuse or neglect.

(4) Notwithstanding any other provision of law, when a **child** under investigation or supervision of the department or its contracted service providers is determined to be **missing**, the following shall apply:

(a) The department may release the following information to the public when it believes the release of the information is likely to assist efforts in locating the child or to promote the safety or well-being of the child:

1. The name of the child and the child's date of birth;
2. A physical description of the child, including at a minimum the height, weight, hair color, eye color, gender, and any identifying physical characteristics of the child; and
3. A photograph of the child.

(b) With the concurrence of the law enforcement agency primarily responsible for investigating the incident, the department may release any additional information it believes likely to assist efforts in locating the child or to promote the safety or well-being of the child.

(c) The law enforcement agency primarily responsible for investigating the incident may release any information received from the department regarding the investigation, if it believes the release of the information is likely to assist efforts in locating the child or to promote the safety or well-being of the child.

The good faith publication or release of this information by the department, a law enforcement agency, or any recipient of the information as specifically authorized by this subsection shall not subject the person, agency or entity releasing the information to any civil or criminal penalty. This subsection does not authorize the release of the name of the reporter, which may be released only as provided in subsection (5).

(5) The name of any person reporting child abuse, abandonment, or neglect may not be released to any person other than employees of the department responsible for child protective services, the central abuse hotline, law enforcement, the child protection team, or the appropriate state attorney, without the written consent of the person reporting. This does not prohibit the subpoenaing of a person reporting child abuse, abandonment, or neglect when deemed necessary by the court, the state attorney, or the department, provided the fact that such person made the report is not disclosed. Any person who reports a case of child abuse or neglect may, at the time he or she makes the report, request that the department notify him or her that a child protective investigation occurred as a result of the report. Any person specifically listed in s. 39.201(1) who makes a report in his or her official capacity may also request a written summary of the outcome of the investigation. The department shall mail such a notice to the reporter within 10 days after completing the child protective investigation.

(6) All records and reports of the child protection team of the Department of Health are confidential and exempt from the provisions of ss. 119.07(1) and 456.057, and shall not be disclosed, except, upon request, to the state attorney, law enforcement, the department, and necessary professionals, in furtherance of the treatment or additional evaluative needs of the child, by order of the court, or to health plan payors, limited to that information used for insurance reimbursement purposes.

(7) The department shall make and keep reports and records of all cases under this chapter relating to child abuse, abandonment, and neglect and shall preserve the records pertaining to a child and family until 7 years after the last entry was made or until the child is 18 years of age, whichever date is first reached, and may then destroy the records. Department records required

by this chapter relating to child abuse, abandonment, and neglect may be inspected only upon order of the court or as provided for in this section.

(8) A person who knowingly or willfully makes public or discloses to any unauthorized person any confidential information contained in the central abuse hotline is subject to the penalty provisions of s. 39.205. This notice shall be prominently displayed on the first sheet of any documents released pursuant to this section.

TITLE 5. JUDICIAL BRANCH
CHAPTER 39. PROCEEDINGS RELATING TO CHILDREN
PART VIII. CASE PLANS

§ 39.604. Rilya Wilson Act; short title; legislative intent; requirements; attendance and reporting responsibilities

(1) **SHORT TITLE.** --This section may be cited as the "Rilya Wilson Act."

(2) **LEGISLATIVE INTENT.** --The Legislature recognizes that children who are in the care of the state due to abuse, neglect, or abandonment are at increased risk of poor school performance and other behavioral and social problems. It is the intent of the Legislature that children who are currently in the care of the state be provided with an age-appropriate education program to help ameliorate the negative consequences of abuse, neglect, or abandonment.

(3) **REQUIREMENTS.** --A child who is age 3 years to school entry, under court ordered protective supervision or in the custody of the Family Safety Program Office of the Department of Children and Family Services or a community-based lead agency, and enrolled in a licensed early education or child care program must be enrolled to participate in the program 5 days a week. Notwithstanding the requirements of s. 39.202, the Department of Children and Family Services must notify operators of the licensed early education or child care program, subject to the reporting requirements of this act, of the enrollment of any child age 3 years to school entry, under court ordered protective supervision or in the custody of the Family Safety Program Office of the Department of Children and Family Services or a community-based lead agency. The case plan developed for a child pursuant to this chapter who is enrolled in a licensed early education or child care program must contain the participation in this program as a required action. An exemption to participating in the licensed early education or child care program 5 days a week may be granted by the court.

(4) (a) **ATTENDANCE AND REPORTING REQUIREMENTS.** --A child enrolled in a licensed early education or child care program who meets the requirements of subsection (3) may not be withdrawn from the program without the prior written approval of the Family Safety Program Office of the Department of Children and Family Services or the community-based lead agency.

(b) 1. If a child covered by this section is absent from the program on a day when he or she is supposed to be present, the person with whom the child resides must report the absence to the program by the end of the business day. If the person with whom the child resides, whether the parent or caregiver, fails to timely report the absence, the absence is considered to be unexcused.

The program shall report any unexcused absence or seven consecutive excused absences of a child who is enrolled in the program and covered by this act to the local designated staff of the Family Safety Program Office of the Department of Children and Family Services or the community-based lead agency by the end of the business day following the unexcused absence or seventh consecutive excused absence.

2. The department or community-based lead agency shall conduct a site visit to the residence of the child upon receiving a report of two consecutive unexcused absences or seven consecutive excused absences.

3. If the site visit results in a determination that the child is missing, the department or community-based lead agency shall report the child as missing to a law enforcement agency and proceed with the necessary actions to locate the child pursuant to procedures for locating missing children.

4. If the site visit results in a determination that the child is not missing, the parent or caregiver shall be notified that failure to ensure that the child attends the licensed early education or child care program is a violation of the case plan. If more than two site visits are conducted pursuant to this subsection, staff shall initiate action to notify the court of the parent or caregiver's noncompliance with the case plan.

TITLE 6. CIVIL PRACTICE AND PROCEDURE (Chs. 45-88)
CHAPTER 61. DISSOLUTION OF MARRIAGE; SUPPORT; CUSTODY
PART II. UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT

Fla. Stat. § 61.502

§ 61.502. Purposes of part; construction of provisions

The general purposes of this part are to:

- (1) Avoid jurisdictional competition and conflict with courts of other states in matters of child custody which have in the past resulted in the shifting of children from state to state with harmful effects on their well-being.
- (2) Promote cooperation with the courts of other states to the end that a custody decree is rendered in the state that can best decide the case in the interest of the child.
- (3) Discourage the use of the interstate system for continuing controversies over child custody.
- (4) Deter abductions.
- (5) Avoid relitigating the custody decisions of other states in this state.
- (6) Facilitate the enforcement of custody decrees of other states.

(7) Promote and expand the exchange of information and other forms of mutual assistance between the courts of this state and those of other states concerned with the same child.

(8) Make uniform the law with respect to the subject of this part among the states enacting it.

§ 61.503. Definitions

As used in this part, the term:

(1) "Abandoned" means left without provision for reasonable and necessary care or supervision.

(2) "Child" means an individual who has not attained 18 years of age.

(3) "Child custody determination" means a judgment, decree, or other order of a court providing for the legal custody, physical custody, residential care, or visitation with respect to a child. The term includes a permanent, temporary, initial, and modification order. The term does not include an order relating to child support or other monetary obligation of an individual.

(4) "Child custody proceeding" means a proceeding in which legal custody, physical custody, residential care, or visitation with respect to a child is an issue. The term includes a proceeding for divorce, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and protection from domestic violence, in which the issue may appear. The term does not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement under ss. 61.524-61.540.

(5) "Commencement" means the filing of the first pleading in a proceeding.

(6) "Court" means an entity authorized under the laws of a state to establish, enforce, or modify a child custody determination.

(7) "Home state" means the state in which a child lived with a parent or a person acting as a parent for at least 6 consecutive months immediately before the commencement of a child custody proceeding. In the case of a child younger than 6 months of age, the term means the state in which the child lived from birth with any of the persons mentioned. A period of temporary absence of any of the mentioned persons is part of the period.

(8) "Initial determination" means the first child custody determination concerning a particular child.

(9) "Issuing court" means the court that makes a child custody determination for which enforcement is sought under this part.

(10) "Issuing state" means the state in which a child custody determination is made.

(11) "Modification" means a child custody determination that changes, replaces, supersedes, or is otherwise made after a previous determination concerning the same child, regardless of whether it is made by the court that made the previous determination.

(12) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, or government; governmental subdivision, agency, instrumentality, or public corporation; or any other legal or commercial entity.

(13) "Person acting as a parent" means a person, other than a parent, who:

(a) Has physical custody of the child or has had physical custody for a period of 6 consecutive months, including any temporary absence, within 1 year immediately before the commencement of a child custody proceeding; and

(b) Has been awarded a child-custody determination by a court or claims a right to a child-custody determination under the laws of this state.

(14) "Physical custody" means the physical care and supervision of a child.

(15) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(16) "Tribe" means an Indian tribe, or band, or Alaskan Native village that is recognized by federal law or formally acknowledged by a state.

(17) "Warrant" means an order issued by a court authorizing law enforcement officers to take physical custody of a child.

§ 61.525. Enforcement under the Hague Convention

Under this part, a court of this state may enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction as if it were a child custody determination.

§ 61.538. Role of state attorney

(1) In a case arising under this part or involving the Hague Convention on the Civil Aspects of International Child Abduction, the state attorney may take any lawful action, including resort to a proceeding under ss. 61.524-61.540 or any other available civil proceeding, to locate a child, obtain the return of a child, or enforce a child custody determination, if there is:

(a) An existing child custody determination;

- (b) A request to do so from a court in a pending child custody proceeding;
 - (c) A reasonable belief that a criminal statute has been violated; or
 - (d) A reasonable belief that the child has been wrongfully removed or retained in violation of the Hague Convention on the Civil Aspects of International Child Abduction.
- (2) A state attorney acting under this section acts on behalf of the court and may not represent any party.

§ 61.506. International application of part

- (1) A court of this state shall treat a foreign country as if it were a state of the United States for purposes of applying ss. 61.501-61.523.
- (2) Except as otherwise provided in subsection (3), a child custody determination made in a foreign country under factual circumstances in substantial conformity with the jurisdictional standards of this part must be recognized and enforced under ss. 61.524-61.540.
- (3) A court of this state need not apply this part if the child custody law of a foreign country violates fundamental principles of human rights.

§ 61.524. Definitions

As used in ss. 61.524-61.540, the term:

- (1) "Petitioner" means a person who seeks enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a child custody determination.
- (2) "Respondent" means a person against whom a proceeding has been commenced for enforcement of an order for return of a child under the Hague Convention on the Civil Aspects of International Child Abduction or enforcement of a child custody determination.

TITLE 6. CIVIL PRACTICE AND PROCEDURE
CHAPTER 63. ADOPTION

§ 63.0423. Procedures with respect to abandoned infants

- (1) A licensed child-placing agency that takes physical custody of an infant abandoned at a hospital, emergency medical services station, or fire station pursuant to s. 383.50, shall assume responsibility for all medical costs and all other costs associated with the emergency services and

care of the abandoned infant from the time the licensed child-placing agency takes physical custody of the abandoned infant.

(2) The licensed child-placing agency shall immediately seek an order from the circuit court for emergency custody of the abandoned infant. The emergency custody order shall remain in effect until the court orders preliminary approval of placement of the abandoned infant in the prospective home, at which time the prospective adoptive parents become guardians pending termination of parental rights and finalization of adoption or until the court orders otherwise. The guardianship of the prospective adoptive parents shall remain subject to the right of the licensed child-placing agency to remove the abandoned infant from the placement during the pendency of the proceedings if such removal is deemed by the licensed child-placing agency to be in the best interest of the child. The licensed child-placing agency may immediately seek to place the abandoned infant in a prospective adoptive home.

(3) The licensed child-placing agency that takes physical custody of the abandoned infant shall, within 24 hours thereafter, request assistance from law enforcement officials to investigate and determine, through the Missing Children Information Clearinghouse, the National Center for Missing and Exploited Children, and any other national and state resources, whether or not the abandoned infant is a missing child.

(4) Within 7 days after accepting physical custody of the abandoned infant, the licensed child-placing agency shall initiate a diligent search to notify and to obtain consent from a parent whose identity is known but whose location is unknown. The diligent search must include, at a minimum, inquiries as provided for in s. 63.088. Constructive notice must also be provided pursuant to chapter 49 in the county where the infant was abandoned. If a parent is identified and located, notice of the hearing on the petition for termination of parental rights shall be provided.

(5) A petition for termination of parental rights under this section may not be filed until 30 days after the date the infant was abandoned in accordance with s. 383.50. A petition for termination of parental rights may not be granted until consent to adoption or an affidavit of nonpaternity has been executed by a parent of the abandoned infant as set forth in s. 63.062, a parent has failed to reclaim or claim the abandoned infant within the time period specified in s. 383.50, or the consent of a parent is otherwise waived by the court.

(6) A claim of parental rights of the abandoned infant must be made to the entity having legal custody of the abandoned infant or to the circuit court before whom proceedings involving the abandoned infant are pending. A claim of parental rights of the abandoned infant may not be made after the judgment to terminate parental rights is entered, except as otherwise provided by subsection (9).

(7) If a claim of parental rights of an abandoned infant is made before the judgment to terminate parental rights is entered, the circuit court may hold the action for termination of parental rights pending subsequent adoption in abeyance for a period of time not to exceed 60 days.

(a) The court may order scientific testing to determine maternity or paternity at the expense of the parent claiming parental rights.

(b) The court shall appoint a guardian ad litem for the abandoned infant and order whatever investigation, home evaluation, and psychological evaluation are necessary to determine what is in the best interest of the abandoned infant.

(c) The court may not terminate parental rights solely on the basis that the parent left the infant at a hospital, emergency medical services station, or fire station in accordance with s. 383.50.

(d) The court shall enter a judgment with written findings of fact and conclusions of law.

(8) Within 7 business days after recording the judgment, the clerk of the court shall mail a copy of the judgment to the department, the petitioner, and the persons whose consent were required, if known. The clerk shall execute a certificate of each mailing.

(9) (a) A judgment terminating parental rights pending adoption is voidable, and any later judgment of adoption of that minor is voidable, if, upon the motion of a birth parent, the court finds that a person knowingly gave false information that prevented the birth parent from timely making known his or her desire to assume parental responsibilities toward the minor or from exercising his or her parental rights. A motion under this subsection must be filed with the court originally entering the judgment. The motion must be filed within a reasonable time, but not later than 1 year after the entry of the judgment terminating parental rights.

(b) No later than 30 days after the filing of a motion under this subsection, the court shall conduct a preliminary hearing to determine what contact, if any, will be permitted between a birth parent and the child pending resolution of the motion. Such contact may be allowed only if it is requested by a parent who has appeared at the hearing and the court determines that it is in the best interest of the child. If the court orders contact between a birth parent and child, the order must be issued in writing as expeditiously as possible and must state with specificity any provisions regarding contact with persons other than those with whom the child resides.

(c) At the preliminary hearing, the court, upon the motion of any party or upon its own motion, may order scientific testing to determine the paternity or maternity of the minor if the person seeking to set aside the judgment is alleging to be the child's birth parent but has not previously been determined by legal proceedings or scientific testing to be the birth parent. Upon the filing of test results establishing that person's maternity or paternity of the abandoned infant, the court may order visitation as it deems appropriate and in the best interest of the child.

(d) Within 45 days after the preliminary hearing, the court shall conduct a final hearing on the motion to set aside the judgment and shall enter its written order as expeditiously as possible thereafter.

(10) Except to the extent expressly provided in this section, proceedings initiated by a licensed child-placing agency for the termination of parental rights and subsequent adoption of a newborn left at a hospital, emergency medical services station, or fire station in accordance with s. 383.50 shall be conducted pursuant to this chapter.

TITLE 7. EVIDENCE (Chs. 90-92)
CHAPTER 92. WITNESSES, RECORDS, AND DOCUMENTS

§ 92.31. **Missing persons and persons** imprisoned or interned in foreign countries; official reports

An official written report or record, or duly certified copy thereof, that a **person is missing, missing** in action, interned in a neutral country, or beleaguered, besieged, or captured by an enemy, or is dead, or is alive, made by any officer or employee of the United States authorized by the act referred to in s. 92.30, or by any other law of the United States to make same, shall be received in any court, office, or other place in this state as evidence that such **person is missing, missing** in action, interned in a neutral country, or beleaguered, besieged, or captured by an enemy, or is dead, or is alive, as the case may be.

TITLE 29. PUBLIC HEALTH (Chs. 381-408)
CHAPTER 382. VITAL STATISTICS

Fla. Stat. § 382.355 (2005)

§ 382.355. Birth records of **missing children**, registrars' duties

The flagging of a **missing child's** birth certificate record and the procedures to be used when requests for the record are made shall be governed by s. 937.024.

CHAPTER 937. MISSING PERSON INVESTIGATIONS

§ 937.021. Missing child reports

(1) Upon the filing of a police report that a child is missing by the parent or guardian, the law enforcement agency receiving the report shall immediately inform all on-duty law enforcement officers of the existence of the missing child report, communicate the report to every other law enforcement agency having jurisdiction in the county, and transmit the report for inclusion within the Florida Crime Information Center computer.

(2) A police report that a child is missing may be filed with the law enforcement agency having jurisdiction in the county or municipality in which the child was last seen prior to the filing of the report, without regard to whether the child resides in or has any significant contacts with that county or municipality. The filing of such a report shall impose the duties specified in subsection (1) upon that law enforcement agency.

§ 937.022. Missing Children Information Clearinghouse

(1) There is created a Missing Children Information Clearinghouse within the Department of Law Enforcement. The clearinghouse is established as a central repository of information regarding missing children. Such information shall be collected and disseminated to assist in the location of missing children.

(2) The clearinghouse shall be supervised by a director who shall be employed upon the recommendation of the executive director. The executive director shall establish services deemed appropriate by the department to aid in the location of missing children.

(3) The clearinghouse shall:

(a) Establish a system of intrastate communication of information relating to children determined to be missing by their parents, guardians, or legal custodians or by law enforcement agencies.

(b) Provide a centralized file for the exchange of information on missing children within the state.

1. Every state, county, or municipal law enforcement agency shall submit to the clearinghouse information received by it pursuant to s. 937.021.

2. Any parent, guardian, or legal custodian may submit a missing child report to the clearinghouse about a child whose whereabouts is unknown, regardless of the circumstances, subsequent to reporting such child missing to the appropriate law enforcement agency within the county in which the child became missing, which missing child report shall be included in the clearinghouse database.

(c) Interface with the National Crime Information Center for the exchange of information on children suspected of interstate travel.

(d) Collect, process, maintain, and disseminate information on missing children and strive to maintain or disseminate only accurate and complete information.

(4) The parent, guardian, or legal custodian who is responsible for notifying the clearinghouse or a law enforcement agency about a missing child shall immediately notify the clearinghouse or the agency of any child whose location has been determined.

(5) Information received pursuant to s. 937.021 about a missing child, which information has been included in the clearinghouse database, shall be purged by the appropriate law enforcement agency immediately upon location of such child.

(6) As used in this section, the term:

(a) "Missing child" means a person who is under the age of 18 years; whose temporary or permanent residence is in, or is believed to be in, this state; whose location has not been determined; and who has been reported as missing to a law enforcement agency.

(b) "Missing child report" means a report prepared on a form designed by the Department of Law Enforcement for the use by private citizens and law enforcement agencies to report information about missing children to the Missing Children Information Clearinghouse.

§ 937.023. Department of Education to compile list of missing Florida school children; forms; notification

(1) The Department of Education shall provide by rule for a program to identify and locate missing Florida school children who are enrolled in Florida public school districts in kindergarten through grade 12. A "missing Florida school child" is defined for the purposes of this section as a child 18 years of age or younger whose whereabouts are unknown. Pursuant to such program, the department shall:

(a) Collect each month a list of missing Florida school children as provided by the Florida Crime Information Center. The list shall be designed to include such information as the department deems necessary for the identification of the missing school child.

(b) Compile from the information collected pursuant to paragraph (a) a list of missing Florida school children, which list shall be distributed monthly to all public school districts admitting children to kindergarten through grade 12. The list shall include the names of all such missing children, together with such other information as the department deems necessary. Each school district shall distribute this information to the public schools in the district by whatever manner it deems appropriate.

(c) Notify the appropriate local, state, or federal law enforcement authority as soon as any additional information is obtained or contact is made with respect to a missing Florida school child.

(2) Every public school district in this state shall notify the Department of Education at its earliest known contact with any child whose name appears on the department's list of missing Florida school children.

§ 937.024. Birth records of missing children; registrars' duties

(1) The Office of Vital Statistics shall:

(a) Collect each month a list of missing children as provided by the Department of Law Enforcement. The list shall be designed to include such information as the Office of Vital Statistics deems necessary for the identification of missing children born in this state.

(b) Compile from the information collected pursuant to paragraph (a) a list of missing children born in this state.

(c) In its centralized records in Jacksonville, flag the birth certificate or birth record of each identified missing child in such a manner that all employees of the office shall know that the certificate or record is that of a child reported as missing.

(d) Recall each missing child's birth certificate or birth record from the local registrar of vital statistics in the county of the missing child's birth.

(e) Collect each month a list of missing children who have been located, as provided by the Department of Law Enforcement's Florida Crime Information Center; identify which, if any, of the located children were born in this state; and remove its flags from the birth certificates or birth records of such children accordingly.

(2) (a) A copy of the birth certificate or information concerning the birth record of any child whose record has been flagged or recalled pursuant to paragraph (1)(c) or paragraph (1)(d) may not be provided by the State Registrar or any local registrar in response to any inquiry, unless the flag has been removed pursuant to paragraph (1)(e).

(b) When a copy of the birth certificate or information concerning the birth record of a child whose record has been flagged or recalled is requested in person, the person accepting the request shall immediately notify his or her supervisor. The person making the request shall complete a form supplying his or her name, address, telephone number, social security number, and relationship to the missing child and the name, address, and birth date of the missing child. The driver's license of the person making the request, if available, or some other proper form of identification, shall be photocopied and returned to the person. The person shall be informed that a copy of the certificate will be delivered to the person by mail. The registrar's personnel shall note the physical description of the person making the request, and, when the person leaves the registrar's office, the supervisor shall immediately notify the Department of Law Enforcement's Missing Children Information Clearinghouse, which must then notify the local law enforcement agency of the request and the information obtained under this paragraph. The registrar shall retain the form completed by the person making the request.

(c) When a copy of the birth certificate of a child whose record has been flagged or recalled is requested in writing, the person receiving the request shall immediately notify his or her supervisor. The supervisor shall immediately notify the Department of Law Enforcement's Missing Children Information Clearinghouse, which must then notify the local law enforcement agency of the request. If requested, the registrar shall provide a copy of the written request to law enforcement. The registrar shall retain the original written request.

(3) This section does not preclude the Office of Vital Statistics from flagging and recalling birth certificates or birth records of children reported missing directly to the office by a local law enforcement agency or from removing such flags from certificates or records based upon notification from the Department of Law Enforcement's Missing Children Information Clearinghouse or local law enforcement.

(4) Upon notification by a local law enforcement agency or by the Department of Law Enforcement that a child born outside the state is missing, the State Registrar of Vital Statistics shall notify the corresponding officer in the state where the child was born that the child has been reported missing.

§ 937.025. Missing children; student records; reporting requirements; penalties

(1) Notwithstanding any law that provides for the confidentiality of student records maintained by a public or private school, upon notification by the Department of Law Enforcement that a child is listed or reported as a missing child, the school in which the child is currently enrolled, or was previously enrolled, shall flag the student records in such a manner that whenever a copy of or information concerning the records of the missing child is requested, the person authorized to provide such copy or information is alerted to the fact that the child has been listed or reported as missing.

(2) The school shall immediately report to the local law enforcement agency and the Department of Law Enforcement any request concerning flagged student records, and shall report any information regarding the request that may assist law enforcement agencies in locating the missing child.

(3) The school or any employee of the school who provides such notification and information in good faith is immune from civil liability for reporting and providing the information.

(4) Upon notification by the Department of Law Enforcement that the records no longer need to be flagged, the school shall remove the flag from the student records.

(5) Notwithstanding any other law, an employee of the state or a local governmental agency, a person who is employed under a contract with the state or a local governmental agency, or an employee of a public or private school within the state shall promptly report to the local law enforcement agency and the Department of Law Enforcement any information received or possessed that could assist in:

(a) Locating a child who has been reported as missing.

(b) Ascertaining the identity of the person who has actual custody of a missing child.

(c) Determining whether a missing child is in danger of physical injury or death.

(6) Any person who makes a report in good faith to a law enforcement agency as required by this section is immune from civil liability for such action.

(7) A person who knowingly provides false information concerning a missing child or the efforts to locate and return a missing child to a parent, family member, or guardian of a child who has

been reported missing commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

§ 937.028. Fingerprints; missing children

(1) If fingerprints have been taken for the purpose of identifying a child, in the event that child becomes missing, the state agency, public or private organization, or other person who took such fingerprints shall not release the fingerprints to any law enforcement agency or other person for any purpose other than the identification of a missing child. Such records and data are exempt from the provisions of s. 119.07(1).

(2) Fingerprints of children taken and retained by any state agency, public or private organization, or other person, excluding the parent or legal custodian of the child, shall be destroyed when the child becomes 18 years of age.

§ 937.031. Dental records of **missing persons**; access and use

When a **person** has been reported **missing** and has not been located within 30 days after such report, the law enforcement agency conducting the investigation of the **missing person** shall request the family or next of kin to provide written consent to contact the dentist of the **missing person** and request that **person's** dental records. Notwithstanding the provisions of s. 456.057, a dentist, upon receipt of proof of written consent, shall release a copy of the dental records of the **missing person** to the law enforcement agency requesting such records, providing or encoding the dental records in a form requested by the Department of Law Enforcement. The law enforcement agency shall then enter the dental records into the criminal justice information system for the purpose of comparing such records to those of unidentified deceased persons.

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